IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION No. 7270 of 1996

Between:

1 P. Satyanarayana s/o Latchum Naidu
E.No. 450321, O/o the Statistical Officer, E.D's office, APSRTC,
Vizianagaram.
2 P.S.S. Appa Rao s/o Balaramaswamy
E.No.455914 O/o the Statistical Officer, E.D's office, APSRTC,
Vizianagaram.
3 B. Nageswara Rao s/o. late B. Venkata Satyanarayana
E.No.457408 R.M.Office,
Vizianagaram.
4 D. Tata Rao s/o. Ramulu
E.No.450317 R.M.Office,
Vizianagaram.
5 B. Akku Naidu s/o late Ramulu
E.No. 454608 O.P.D./ Executive Director Office,
Vizianagaram.
6 M.K.Naidu s/o Rama Murthy
E.No.107544 R.M.Office,
Vizianagaram.
7 B. Yerram Raju s/o. B.V. Subba Rao
E.No. 455688 O.P.D./ Executive Director Office,
Vizianagaram.
8 K. Satyanarayana s/o Appalaswamy
Depot Manager, APSRTC, Simhachalam. E.No. 452984,
9 J.V.R. Atchuta Rao s/o Ranga Rao
D.M.'s office, Salur. E.No. 455673
10 Md. A.K. Jilani s/o. Mahaboob
Stores officer, Zonal stores, Vizanagaram APSRTC.,
E.No.455335
11 B. Appa Rao s/o. Krishnamurthy
E.No.455190, R.M.Office,
Visakhapatnam.
12 B. Satyam s/o. Late Krishnamurthy
D.M.Office, APSRTC,

Gajuwaka.

13 A.V. Ramana s/o Satyanarayana
E.No.454930 R.M.Office, APSRTC,
Visakhapatnam.

14 Ch. V. Ramana s/o. Ch. V. Krishna
D.M.Office, APSRTC,
Visakhapatnam.

15 A. Kanakam s/o. Satyam
E.No.455340 D.M.Office, Eleswaram
East Godavari dist.

16 K.V.V. Raju s/o. Ramaraju
E.No.455686, D.M.Office, APSRTC,
Waltair.

..... PETITIONERS

AND

1 The Regional Manager, A.P.S.R.T.C.
Vizianagaram.

2 Executive Director, A.P.S.R.T.C.,
Vizianagaram.

3 The Managing Director,
A.P.S.R.T.C, Mushirabad,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a Writ or Order or direction more particularly a Writ of Mandamus declaring the action of the Respondents in with holding the Graduate Increments as per Proceedings No. E2/202(8)/93-RM/RJY Dt. 7.2.1994 with effect from 1.4.1989 as Illegal, Improper, Unjust, Contrary to Law and in Violation of Principles of Natural Justice and Violation of Articles 14, 16 and 21 of Constitution of India.

Counsel for the Petitioner: MR.K.G.KRISHNA MURTHY

Counsel for the Respondents: MR.R.MANMADHA REDDY (SC FOR APSRTC) AND KUM. B.G.UMADEVI

The Court made the following:

ORDER:

This writ petition is filed seeking a writ of mandamus declaring the action of the respondents in withholding graduate increments under proceedings dated 07.02.1994 on the file of the 1st respondent/Regional Manager, A.P.S.R.T.C., Vizianagaram with effect from 01.04.1989, as arbitrary and illegal.

It is the case of the petitioners that they were all initially appointed as conductors, later on promoted as junior assistants after subjecting them through process of selection. They were all graduates and were granted three increments as personal pay for possessing the qualification of graduation, in pursuance of a Circular No.PD.86/1989, dated 15.07.1989 by the Managing Director of A.P.S.R.T.C, Hyderabad. While the matter stood thus, the impugned proceedings were issued stating that the conductors who were appointed as junior assistants are not eligible for graduate increments with effect from 01.04.1989.

Prima facie, I am not satisfied with the submissions made by the learned counsel for the petitioners that the petitioners while working as conductors were sanctioned with three increments being in possession of graduate qualification, therefore, the same should be continued as personal pay when they are directly recruited to the post of junior assistants. It is not denied that the minimum qualification for the post of junior assistants is graduation. Once graduation is the minimum qualification required for the post of junior assistants, probably the protection of pay of graduate increments, which were drawn by the petitioners, is not available on their recruitment to the post

of junior assistants. However, this is not an issue as of now.

The learned counsel for the petitioners strenuously contends that before passing the impugned proceedings, no notice of any kind was issued to the petitioners and the decision was taken unilaterally affecting rights of the petitioners. The denial of three increments will result in serious financial consequences to the petitioners.

In view of the above, without going into the merits of the case, the respondents are directed to issue notice to the petitioners before withdrawing the increments granted in the post of conductors while they were working, as such after appointing them as junior assistants, and pass appropriate orders as per law. This exercise shall be done within a period of six weeks from the date of receipt of a copy of this order. However, till the concerned authorities take such decision, status quo obtaining as on today shall be maintained.

With the above observations, the Writ Petition is disposed of. No order as to costs.

Dated: 11.02.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Regional Manager,

APSRTC, Vizianagaram

2. The Executive Director,

APSRTC, Vizianagaram

3. The Managing Director,

APSRTC, Mushirabad, Hyderabad

4. Two CD copies

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